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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/868,029	09/23/2002	Shuichi Miyazaki	7254/63012	5455		
530	7590	04/28/2008	EXAMINER			
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			BILGRAMI, ASGHAR H			
ART UNIT		PAPER NUMBER				
2143						
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/868,029	MIYAZAKI ET AL.	
	Examiner	Art Unit	
	ASGHAR BILGRAMI	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 April 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-35 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35 rejected under 35 U.S.C. 103(a) as being unpatentable over Mills (U.S. 6,353,870 B1) and Walden (U.S. 4,081,850).

3. As per claims 1, 16, 32-35 Mills disclosed a portable recording and/or reproducing device, comprising: reproducing means for performing reproduction processing on digital data which is read out from a predetermined recording medium recording said digital data; manipulating means for making an instruction of reproducing said digital data recorded in said recording medium (col.5, lines 38-58); control means for reading out said digital data from said recording medium in accordance with said reproduction instruction input with said manipulating means, sending it to said reproducing means, and controlling said reproducing means so as to perform the reproduction processing on said digital data (col.7, lines 25-67 & col.8, lines 1-13); a cylindrical case for containing said reproducing means and said control means; and wherein said manipulating means is provided on said one end side of one plane in said longitudinal direction of said case. when manipulating means provided on one end side on one plane in the longitudinal direction of a cylindrical case is manipulated with a

user's thumb to make an instruction of reproducing said digital data from a predetermined recording medium inserted in said case, said digital data is read out from said recording medium in accordance with the reproduction instruction and the read digital data is subjected to the reproduction processing; and when said manipulating means is manipulated with the user's thumb to make an instruction of stopping the reproduction of said digital data while performing said reproduction processing on said digital data, the reproduction of the digital data is stopped (col.8, lines 65-67, col.9, lines 1-17 & col.10, lines 41-67). Although Mills disclosed the portable device to be wearable for portability aspect (col.7, lines 65-67 & col.8, lines 1-7). However Mills did not explicitly disclose a strap attaching means provided on one end side in the longitudinal direction of said cylindrical case; and a strap to be attached to said strap attaching means. In the same filed of endeavor Walden disclosed a strap attaching means provided on one end side in the longitudinal direction of said cylindrical case; and a strap to be attached to said strap attaching means (figure1, col.1, lines 35-46 & col.3, lines 9-14).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated a strap attaching means as disclosed by Walden onto a portable recording and/or reproducing device disclosed by Mills in order to make the device more easier to carry by an individual resulting in improving the portability aspect of the device by a user.

4. As per claims 2, 17 and 20 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 16, comprising: digital-to-analog converting means for producing an analog signal by digital-to-analog converting said digital data which has been subjected to the reproduction processing by said reproducing means; and a jack provided on said one end side in said longitudinal direction of said case to allow an external connection plug to be inserted therein, which has a terminal for outputting said analog signal obtained from said digital-to-analog converting means to Said connection plug inserted, and wherein said strap has a ring part and a holding means for integrally holding a code introduced from said connection plug and said ring part (Mills, col.3, lines 10-25 & col.9, lines 59-67)

5. As per claims 3 & 21 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 2, wherein said jack is provided in said case so that said connection plug is projected from the other end side toward one end side in said longitudinal direction (Mills, col.6, lines 50-67).

6. As per claims 4 & 22 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 3, wherein said jack is provided so that the direction of inserting said connection plug is slant with respect to said longitudinal direction of said case (Mills, col.6, lines 50-67).

7. As per claim 5 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, comprising strap attaching means which is provided on said one end side in the longitudinal direction of said case for attaching a predetermined strap thereto (Walden, figure1, col.1, lines 35-46 & col.3, lines 9-14).

8. As per claim 6 Mills-Walden disclosed the portable recording and/or reproducing device according to Clam 5, wherein said strap attaching means allows said dangling strap to be attached thereto (Walden, figure1, col.1, lines 35-46 & col.3, lines 9-14).

9. As per claims 7 & 23 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, comprising: a circuit board which is contained in said case with loading an Integrated Circuit package (Mills, col.1, lines 33-50) which constitutes at least a part of said control means; and projecting parts for containing a part of said circuit board, which are formed so that a part of said case projects in accordance with the form of said circuit board (col.5, lines 38-67 & col.6, lines 1-7).

10. As per claims 8 & 24 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 7, wherein said projecting parts are formed in said longitudinal direction of said case (Mills, col.7, lines 6-22).

11. As per claims 9 & 25 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, comprising a clip which is provided on said

one end side in said longitudinal direction of said case to attach the case to a user's body, clothes, and belongings (Mills, col.7, lines 65-67 & col.8, lines 1-7)

12. As per claims 10 & 26 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, comprising: an interface for taking in said digital data which is transferred from outside; and recording means for recording said digital data taken in by said interface, to said recording medium (Mills, col.7, lines 6-22).

13. As per claims 11 & 27 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 10, wherein said interface takes in said digital data which is transferred from said outside on Internet (Mills, col.11, lines 9-11).

14. As per claims 12 & 28 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 11, wherein said interface is a connector based on the Universal Serial Bus standard (Mills, col.5, lines 59-67).

15. As per claims 13 & 29 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, wherein said control means read out said digital data which has been compressed with the MPEG Audio Layer-3 method, from said recording medium, in accordance with said reproduction instruction input with said manipulating means (Mills, col.7, lines 65-67 & col.8, lines 1-13).

16. As per claims 14 & 30 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, wherein said control means reads out said digital data which has been compressed by the Adaptive Transform Acoustic Coding-3 method, from said recording medium, in accordance with said reproduction instruction input with said manipulating means (Mills, col.3, lines 10-25).

17. As per claims 15 & 31 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 1, wherein said case is formed in a cylindrical form (Mills, col.7, lines 6-22 & col.9, lines 14-17).

18. As per claim 18 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 17, wherein said ring part comprises: band member; and sticking means for sticking one end on the back plane of said band member to the other end on the front plane of the band member (Mills, col.8, lines 37-47).

19. As per claim 19 Mills-Walden disclosed the portable recording and/or reproducing device according to Claim 18, wherein said sticking means is a sticking tape for detachably sticking said one end on said back plane of said band member to said the other end on said front plane of the band member (Mills, col.8, lines 37-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./
Examiner, Art Unit 2143
20.

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154